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CHEVRON CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CHEVRON CORP.,  
Plaintiff,

v.

STEVEN DONZIGER, *et al.*,  
Defendant.

CASE NO. 5:12-80237 MISC CRB NC

**NOTICE OF PENDENCY OF OTHER  
ACTION OR PROCEEDING**

**Hearing:**

Date: Wednesday, January 16, 2013  
Time: 1:00 p.m.  
Place: Courtroom A, 15th Floor  
Judge: Hon. Nathanael M. Cousins

Pursuant to Local Rule 3-13, Plaintiff Chevron Corporation (“Chevron”) submits this Notice of Pendency of Other Action or Proceeding to give this Court notice of the proceeding entitled *Chevron Corp. v. Donziger, et al.*, Case No. 1:12-mc-65 (N.D.N.Y.) (the “New York Proceeding”).

The instant miscellaneous matter before this Court, No. 12-mc-80237, involves two motions to quash subpoenas that were served on Google Inc. and Yahoo! Inc. in this district in connection with an action now pending before the Honorable Lewis A. Kaplan in the U.S. District Court for the Southern District of New York under the caption *Chevron Corp. v. Donziger, et al.*, Case No. 11 Civ. 0691 (LAK). *See* Dkt. Nos. 42, 43 (the “California Motions”). The California Motions argue that the Court should not allow Google and Yahoo! to turn over certain requested identifying and login information associated with a number of email accounts. The Court has ordered Chevron to submit oppositions by January 2, 2013. *See* Dkt. No. 41.

The same counsel who filed the California Motions initiated the New York Proceeding on behalf of a number of overlapping parties and non-parties by filing largely identical motions to quash a subpoena that was served on Microsoft Corp. in the Northern District of New York arising from the same underlying case in the Southern District of New York. *See* Exs. A, B (the “New York Motions”). The New York Motions advance the same legal and factual arguments as the California Motions—namely, that the court should not allow an email service provider (there, Microsoft) to turn over certain requested identifying and login information associated with a number of email accounts.

On December 13, 2012, the Honorable Gary L. Sharpe issued an order in the New York Proceeding (attached as Exhibit C) providing that Judge Kaplan will decide the New York Motions. As a result, the judge presiding over the substantive underlying dispute will decide motions that raise issues that overlap substantially with the California Motions now pending before this Court. The New York Proceeding is moving forward on a briefing schedule similar to the one ordered in this proceeding, as Chevron’s oppositions to the New York motions are currently due January 15, 2013. *See* Ex. D (December 19, 2012 order in New York Proceeding).

Chevron respectfully submits that coordination with Judge Kaplan would avoid conflicts, conserve resources, and promote an efficient determination of the pending California Motions. In particular, the Court could conserve significant resources if it were to defer issuing its decision on the

1 California Motions until after Judge Kaplan has first considered and issued a decision on the New  
2 York Motions. Judge Kaplan's decision on the New York Motions will likely assist this Court by  
3 minimizing at least some of the judicial resources required to become familiar with the factual and legal  
4 background pertinent to the related subpoenas. Moreover, there is a risk that this Court and Judge  
5 Kaplan could reach inconsistent results if both Courts were to proceed with simultaneous independent  
6 analysis of overlapping issues.

7  
8 DATED: January 2, 2013

GIBSON, DUNN & CRUTCHER LLP

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10 By: /s/ Ethan Dettmer  
Ethan Dettmer

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12 Attorneys for Plaintiff  
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